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ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102
Telephone (973) 648-4735
Attorney for Board of Dentistry

By: Nancy Costello Miller
Deputy Attorney General

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE LICENSE OF

Administrative Action

DAVID IRA KALTER, D.M.D.
License # 22DI 01867700

**CONSENT ORDER REINSTATING
LICENSE WITH RESTRICTIONS**

TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

This matter was opened to the State Board of Dentistry upon the application of David Ira Kalter, D.M.D. ("respondent"), to reinstate his license to practice dentistry. Respondent agreed to cease practice on July 25, 2007, following the Board's receipt of information that respondent had issued and filled multiple prescriptions for controlled dangerous substances for his own use under fictitious names. Pursuant to the terms of the Consent Order of Voluntary Surrender, respondent enrolled in the New Jersey Professional Assistance Program (PAP) and was required to appear before the Board in

connection with his application for reinstatement to discuss his readiness to reenter the practice of dentistry.

On January 16, 2008, respondent, accompanied by David Canavan, M.D., of the Professional Assistance Program, appeared before the Board. In support of the application for reinstatement, respondent discussed his treatment and continued participation in the Professional Assistance Program. Since July 2007, when he entered the program, respondent has abstained from use of all psychoactive substances, has undergone counseling, and has had regular contact with a clinical representative of the Professional Assistance Program. During that appearance, respondent acknowledged that he had not fully complied with the terms of a February 22, 1996, order of the Board requiring him to submit copies of all prescriptions he wrote for controlled dangerous substances. While respondent showed some understanding of his addiction, the Board was not persuaded that he was prepared to re-enter practice. The Board advised respondent it would reconsider the matter, without an appearance, on April 16, 2008, thus permitting him an additional period of time to progress in his recovery.

Based on the entire record, including additional information provided by Dr. Canavan in April 2008, the Board has determined that respondent may have his license reinstated subject to the conditions outlined in this order. Respondent appears to be in early recovery at this time. The Board notes that the restrictions in this order will permit respondent to practice as a licensee of the Board while providing him with intensive support as he continues in his recovery. The Board finds that the restrictions placed on respondent's practice by this order are adequate to protect the health and welfare of the public, and that good cause exists for entry of this order.

1. THEREFORE, IT IS ON THIS 28th DAY OF May, 2008

CONSENTED AND ORDERED:

1. The license of David Ira Kalter, D.M.D., to practice dentistry in this State shall be reinstated. Dr. Kalter shall immediately forward payment of the biennial licensing fee of \$390.00 to the Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101.

2. Respondent shall be not permitted to prescribe controlled dangerous substances and shall not apply for renewal of his CDS registration until further order of the Board.

3. Respondent shall continue his participation in the Professional Assistance Program (PAP) and shall comply with its recommendations for treatment, including but not limited to:

(a) monthly face-to-face contact with representatives from that program for the first six months following entry of this order;

(b) attendance at support groups, NA or AA, including a Caduceus meeting, at a minimum of three times per week, with proof of attendance submitted to the Board on a quarterly basis ;

(c) urine monitoring not less than twice a week for the first year following entry of this order; and

(d) counseling as recommended by the PAP.

4. If respondent discontinues participation with the PAP or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the PAP, he shall be deemed in violation of this Order.

After the period specified in this order, reduction in urine monitoring or the number of required face-to-face meetings with the PAP shall be at the discretion of the Executive Medical Director of the Program with notification to the Executive Director of the State Board of Dentistry.

5. Respondent shall abstain from the use of alcohol and from all psychoactive substances, unless prescribed by a treating physician for a documented medical condition with prior notification to the Executive Medical Director of the PAP of the diagnosis and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

6. The PAP shall submit quarterly reports, including urine results, to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a positive urine, misses an appointment without consent, or has a lapse or slip in his recovery, or if respondent terminates recommended counseling or his participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

7. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the PAP. Respondent shall notify the PAP if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The PAP may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period.

8. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to his license.

9.(a) Respondent shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

(b) Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board

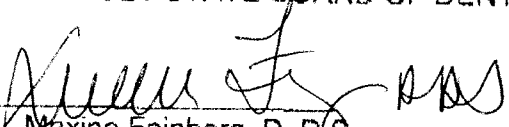
may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effective immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

10. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted or from imposing restrictions or conditions on respondent's license should the Board determine that such restrictions or conditions are appropriate to protect the public health, safety, and welfare.

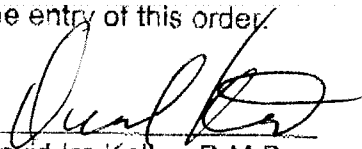
11. Respondent may apply for modification of the restrictions imposed by this order not sooner than six months from its entry

NEW JERSEY STATE BOARD OF DENTISTRY

By:

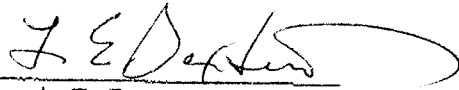

Maxine Feinberg, D.D.S.
President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this order.


David Ira Kalter, D.M.D.

5/21/08
Date

I have read the terms of this order and agree on behalf of the Professional Assistance Program to comply with its terms pertaining to the PAP.



Louis E. Baxter, Sr., M.D.
Executive Medical Director
Professional Assistance Program

5/22/08

Date

I have read this consent order and agree to its entry as to form.



Mark Roddy, Esq.

21 May 08

Date